

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UPSTATE NEW YORK CARPENTERS PENSION  
HEALTH AND ANNUITY FUNDS, by Earl Hall  
and Gary Toth, as Trustees; et al.,

Plaintiffs,

v.

5:05-CV-0849  
(NAM/GHL)

SEAWAY OF GOUVERNEUR, INC.; and  
WILLIAM REDDICK, individually,

Defendants.

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APPEARANCES:

OF COUNSEL:

ARCHER, BYINGTON, GLENNON & LEVINE, LLP  
425 Broadhollow Road, Suite 405  
Melville, NY 11747  
Counsel for Plaintiffs

JOHN H. BYINGTON, III

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 23<sup>rd</sup> day of April, 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The Clerk of the Court is directed to enter Judgment in Plaintiffs' favor and against

Defendants in the following amounts: (1) as against **Defendant Reddick, \$32,646.34**, for unpaid contributions, deductions, interest and liquidated damages owed to Plaintiff Upstate Funds through December 18, 2006, together with the sum of **\$12.714 per day** in interest, from December 19, 2006, through the date of entry of final judgment; and (2) as against **Defendant Seaway**, the foregoing **\$32,646.34** amount and **\$12.714 per day** in interest (owed jointly and severally with Defendant Reddick), together with an additional sum (owed only by Defendant Seaway to the other two Plaintiffs) of **\$2,010.52** for other damages through December 18, 2006, and **\$.38 (thirty-eight cents) per day** in interest, from December 19, 2006, through the date of entry of final judgment.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: May 13, 2008  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge